

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SOPRAMCO CV9, CFL,
LLC,

Plaintiff,

v.

LOURDES CRUZ FIGUEROA,

Defendant.

CIVIL NO. 09-2292 (DRD)

COLLECTION OF MONIES AND
FORECLOSURE OF MORTGAGE

ORDER FOR EXECUTION OF JUDGMENT

Having considered plaintiff's *Motion Requesting Execution of Judgment*, Docket No. 9, and it appearing from the Court record, as well as Plaintiff's motion, that the defendant Lourdes Cruz Figueroa has failed to pay to the Plaintiff the sums of money adjudged to be paid under said *Judgment*, Docket No. 8, and it appearing that more than thirty (30) days have elapsed from the entry of *Judgment*;

IT IS HEREBY ORDERED the execution of the *Judgment* through the garnishment and sale by public auction of movable and real property belonging to the Defendant Lourdes Cruz Figueroa, which may be in her possession or in the possession of third parties, enough to cover the sums of money adjudged in the referenced judgment up to the following amounts:

Considering the above, Defendant still has an outstanding balance of **\$98,939.23** in principal, accrued interests as of

February 19, 2010, in the amount of **\$6,837.58**, which continue to accrue until full payment at the rate of **\$16.49** per day, late charges of **\$380.04** and contractually agreed-upon attorney's fees of **\$10,565.00**, for a total amount of **\$116,721.85**.

IT IS HEREBY ORDERED that the movable property that may be garnished, that is not money, accounts receivable, stocks or other negotiable instruments be deposited with the Special Master duly appointed by this Court.

IT IS HEREBY ORDERED that if the garnishment is done over movable property consisting of money, bonds, accounts receivable, stocks, bank accounts of any kind or other negotiable instruments, that may be in possession of Defendant or any third party or financial institution, said funds or instruments be consigned in this Court.

IT IS HEREBY AUTHORIZED AND ORDERED, that Plaintiff may inspect and copy accounting books and records belonging to Defendant, in order to determine what account receivable or any movable or real property that may belong to Defendant and may be subject of garnishment.

IT IS HEREBY AUTHORIZED AND ORDERED, that Plaintiff may collect on any account receivable of Defendant by notifying any such third party, with a certified copy of this *Order*, so that payments be directed to the appointed Special Master or consigned with this Court, until full judgment is satisfied.

IT IS HEREBY AUTHORIZED AND ORDERED, that Mr. Uriel Meléndez Muñoz, shall act as Special Master and shall be designated by this Court to execute the instant Order and to make the sale hereinbefore if necessary. Mr. Meléndez' address is Calle 14, 169 Comunidad Piedra Aguzá, Juana Díaz, Puerto Rico 00795.

IT IS FURTHER ORDERED THAT:

a. The public sale for any movable property shall be had at the Office of the Clerk of the United States District Court, Room 150, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico;

b. Notices of Sale for real property shall be published by the appointed Special Master once a week for two weeks prior to the date of the sale, in a newspaper printed regularly and

having a general circulation in the Island of Puerto Rico;

c. The Special Master at the sale shall not accept in payment of the property to be sold anything but United States currency or certified checks, except in case the property be sold and adjudicated to the Plaintiff, in which case the amount of the bid made by Plaintiff shall be credited and deducted from its mortgage credit; the plaintiff being bound to pay in cash or certified check only any excess of its bid over the secured indebtedness then remaining unsatisfied;

d. Upon the confirmation of the sale by this Court, the appointed Special Master shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof;

e. The purchaser shall be entitled to the delivery of the property sold and its physical possession and the appointed Special Master may deliver said possession through the eviction of the occupant of the property without the need of any further order, in accordance with law;

f. The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the

judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed property.

Plaintiff may apply to this Court for such orders and relief as it may deem advisable to its interest to satisfy its money judgment, in accordance with the terms of this Order.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 12th day of October, 2010.

s/Daniel R. Domínguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE